

COUNCIL ACTION SUMMARY

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE
PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

AGENDA

COUNCIL CHAMBERS

December 8, 2014

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Swanson

ROLL CALL: Councilmembers present on roll call were: Cromley, Yakawich, Pitman, Cimmino, McFadden, Bird, McCall, Swanson, Crouch, and Brown.

MINUTES: November 24, 2014 **APPROVED**

COURTESIES:

- Mayor Hanel thanked the citizens of Billings for supporting the community this time of year.
- Mayor Hanel thanked the Road Dogs for their 30th Annual Toy Run held on December 8. He thanked the city staff and all of the volunteers who worked to make the event a success.
- Councilmember Bird introduced her son, Shane Cornell. She said Shane was a 7th grader at St. Francis Upper.

PROCLAMATIONS: None

ADMINISTRATOR REPORTS - TINA VOLEK

- **Item # 3 Public Hearing and Resolution creating SID 1397: paving of Treasure Drive from Donna Drive to the City High Ditch.**
 - ✓ Letter from Darryl Lackey and Linda Pabst, dated November 23, 2014, in favor of the creation of SID 1397, was received by the City Clerk and e-mailed to City Council on November 25, 2014. Copy was filed in the ex-parte notebook.
 - ✓ Letter from Michael Oliver in favor of the creation of SID 1397 was received by the City Council via e-mail on December 8, 2014. Copy was filed in the ex-parte notebook.

- **Item #4 2015 Montana Legislative Priorities.** E-mail sent to City Council from Tom Zurbuchen, dated December 8, 2014. Copy was filed in the ex-parte notebook.
- Ms. Volek noted through a previous action the City Council agreed to hold its next business session on December 15, and there would be no council meetings the weeks of December 22 or 29. Council would resume on January 5, 2015, with a work session.

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #4 ONLY. Speaker sign-in required. (Comments offered here are limited to one (1) minute.

Please sign in at the cart located at the back of the council chambers or at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

- **Dale Emery, 931 Moon Valley Road, Billings, MT,** referenced Consent Agenda Item G and the definition of fireworks. He said fireworks were defined as any combustible or explosive composition or combination of substances for the purpose of producing a visible or audible effect. As written, it meant any flame, such as candles, luminaries, tiki torches, and bonfires would be included in the current definition; any flame for a physical purpose. Mr. Emery said the ordinance was in error because it included anything that burned.
- **Kevin Nelson, 4235 Bruce Avenue, Billings, MT,** referenced Agenda Item 4. He said four or five months ago Mr. Bartlett talked about the Local Option Sales Tax; and Councilmember Brown asked if the City of Billings could take the lead on the sales tax issue. Mr. Nelson suggested that the City did not have the confidence of the legislature that was needed to operate a Local Option Sales Tax. Maybe it was power the legislature did not feel the City could behave itself with because there were other tax items the City had taken liberties with and had exceeded its authority; such as the Park Maintenance District.

There were no other speakers, and the public comment period was closed.

1. **CONSENT AGENDA** -- Separations: B, C, G, H, J, L1

A. **Bid Awards:**

1. **2015 Hydraulic Sewer Jet/Vacuum Cleaner.** (Opened 11/25/2014)
Recommend Titan Machinery, Inc.; \$323,885. **APPROVED**

2. **Airport 3-Year Elevator/Escalator Maintenance Service Agreement.** (Opened 11/18/2014)(Delayed from 11/24/2014) Recommend Kone Elevators/Escalators; \$57,564. **APPROVED**

B. **Change Order #2 - W.O. 13-03, City Crack Seal,** Hardrives Construction, Inc., \$46,200. **APPROVED**

C. Contract for Professional Services with HDR Engineering, Inc. to provide technical input and support during a 2-year program to develop a new State of Montana MS4 stormwater general permit and stormwater manual; \$119,900. **APPROVED 10 TO 0. CIMMINO ABSTAINED.**

D. Approval of the Assignment and Transfer of West End Hangar Ground Lease from Bonnie S. Daniels to Picacho Aviation, LLP. **APPROVED**

E. Declaring surplus property and authorizing the Police Department to donate outdated cameras and related equipment to the MSU-Billings Police Department. **APPROVED**

F. Acceptance of State Highway Traffic Safety Billings STEP (Selective Traffic Enforcement Program) overtime grant; \$10,000. **APPROVED**

G. Second/Final Reading Ordinance amending BMCC Sections 14-402 through 14-407 and adding Section 14-409; updating fireworks restrictions and regulations; providing for confiscation of illegal fireworks. **DISAPPROVED 6 TO 5. CROMLEY, YAKAWICH, PITMAN, CIMMINO, MCFADDEN AND BROWN VOTED IN OPPOSITION. BIRD, MCCALL, SWANSON, CROUCH AND MAYOR HANEL VOTED IN FAVOR. (SEE INITIATIVE AT END OF AGENDA)**

H. Second/Final Reading Ordinance #14-5633 repealing BMCC Section 14-301 declaring same to be null and void and of no effect; and adding a new section in its place to be numbered 14-301 providing for adoption of the 2012 Edition of the International Fire Code and providing penalties for violations. **APPROVED**

I. Second/Final Reading Ordinance #14-5634 Expanding Ward 1 (Annexation #14-05) for approximately 2.5 acres located at 659 Lincoln Lane in the Billings Heights; Lary and Judy Garrison, owners. **APPROVED**

J. Preliminary Minor Plat of Amended Plat of Lot 6, Block 3, Burlington Northern Subdivision 19th Filing, described as 2 lots on approximately 1.448 acres of land generally located at 609 Charles Street; Empire Lath & Plaster, owner; Eggart Engineering Company, agent; conditional approval and adoption of the Findings of Fact. **APPROVED**

K. Final Plat of Circle Fifty Subdivision, Amended Lot 9A, Block 9. **APPROVED**

L. Bills and Payroll:

1. November 10, 2014 **APPROVED 9 TO 0. BROWN AND CROMLEY ABSTAINED.**
2. November 17, 2014 **APPROVED**

REGULAR AGENDA:

2. PUBLIC HEARING AND RESOLUTION #14-10413 vacating a portion of 7th Avenue South adjacent to Lots 9, 10, 11, and 12, Block 221, Second Addition, near the intersection of South 35th Street and 7th Avenue South; City of Billings, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

APPROVED

3. PUBLIC HEARING AND RESOLUTION #10414 creating SID 1397: paving of Treasure Drive from Donna Drive to the City High Ditch. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED**

4. 2015 MONTANA LEGISLATIVE PRIORITIES. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) **APPROVED 8 TO 3 AMENDING "EARLY EDGE EDUCATION" FROM SUPPORT TO MONITOR. YAKAWICH, PITMAN, CIMMINO, MCFADDEN, MCCALL, SWANSON, BROWN AND MAYOR HANEL VOTED IN FAVOR OF AMENDMENT. CROMLEY, BIRD, AND CROUCH VOTED IN OPPOSITION.**

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments here are limited to 3 minutes. Please sign in at the cart located at the back of the council chambers or at the podium.*)

The public comment period was opened.

- **Kevin Nelson, 4235 Bruce, Billings, MT,** said at the last TIFD meeting the board thought it was appropriate that the SID be paid off because it was a deterrent to development. In his opinion it was a joke and scam by Cabela's, who never held up their end of the agreement. Mr. Nelson said it was time to look at nullifying the entire agreement and not reimburse the SID costs with tax dollars. It was a bad deal.

There were no other speakers, and the public comment period was closed.

COUNCIL INITIATIVES

- **Pitman:** MOVED to reconsider Item G on the January 12, 2015, council agenda, seconded by Councilmember McFadden. On a voice vote, the motion was unanimously approved.
- **Cimmino:** MOVED to have staff report to the Council on the recent sale of the Billings Mustangs. The motion died for lack of a second.
- **Mayor Hanel:** Said he would be bringing forth an initiative in the future regarding the City's contract with the current healthcare provider. He said he was disturbed by the word "indefinite" on the term of the contract. It involved public tax dollars, and the Council needed to be informed.

ADJOURN: 8:26 p.m.

Additional information on any of these items is available in the City Clerk's Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.